

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**IN RE:**

**KIMBER CUSTOM TARGET II  
PISTOL, .45 CALIBER, SERIAL  
NUMBER K469317**

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**Case No.**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Matthew Barrett for The Armory  
KC,**

**Paul McCullough,**

**Potential Claimants.**

**COMPLAINT FOR INTERPLEADER AND INJUNCTIVE RELIEF**

Plaintiff, United States of America, by and through its attorneys, Timothy A. Garrison, United States Attorney for the Western District of Missouri, and Stacey Perkins Rock, Assistant United States Attorney, brings this complaint for interpleader and injunctive relief, and to dismiss the United States pursuant to Rule 22 of the Federal Rules of Civil Procedure and Title 28, United States Code, Sections 1335, 1345 and 2361, and states as follows:

**Jurisdiction and Venue**

1. This Court has original jurisdiction over this civil action of interpleader pursuant to 28 U.S.C. §§ 1335(a) and 1345.

2. Venue over this civil adversary proceeding is proper in the Western District of Missouri pursuant to 28 U.S.C. §§ 1391 and 1397 because a substantial part of the events and omissions giving rise to adverse potential claims occurred in this district and one or more of the potential claimants resides in this district.

### **Parties**

3. Plaintiff is the United States of America on behalf of the United States Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

4. The Kimber Custom Target II Pistol, .45 caliber, serial number K469317 (Firearm) is a firearm valued at approximately \$595 seized by the ATF as part of a criminal investigation as described below. The Firearm is presently in the custody of ATF.

5. Potential Claimant Paul McCollough (McCollough) is an individual residing in Verona, Missouri.

6. Potential Claimant Matthew Barrett (Barrett) for The Armory KC is an employee of The Armory KC, a business located in Independence, Missouri.

### **Factual Background**

7. On July 15, 2018, the Firearm was seized by ATF during investigation of an officer-involved shooting in which three Kansas City, Missouri Police Department (KCPD) officers were shot.

8. The Firearm is currently in the custody of ATF.

9. ATF commenced non-judicial forfeiture proceedings with respect to the Firearm.

10. McCullough filed a claim in the non-judicial forfeiture proceedings asserting that he purchased the Firearm from Sporting Defense,

LLC, in Kent, Ohio. McCullough claimed the Firearm was stolen from him on June 16, 2018, at RK Shows, Inc. gun show in Kansas City, Missouri.

11. Barrett filed a claim for The Armory KC in the non-judicial forfeiture proceedings asserting that on or about July 14, 2018, The Armory KC, a Federal Firearms Licensee Dealer, took the Firearm as part of a trade. The Armory KC claimed no knowledge of the person who presented the Firearm for trade nor the history of the Firearm, further claiming that a computer check of the Firearm serial number prior to the trade did not reveal that the Firearm had been stolen.

**Claim for Relief: Rule Interpleader**

12. By reason of these potential Claimants with claims adverse to and independent of one another, Plaintiff is in great doubt as to which potential Claimant may be entitled to the Firearm.

WHEREFORE, the United States prays that this Court enter an Order to permit the United States to retain custody of the Firearm during the pendency of these proceedings; restrain each potential Claimant from instituting any action against Plaintiff for recovery of the interplead Firearm;

discharge Plaintiff from all liability in connection with the interplead Firearm except for maintaining the Firearm during the pendency of this proceeding; and dismiss the United States from this adversary proceeding. Further, the United States prays that it recovers its costs in this proceeding, and for such other and further relief as is just and proper.

Respectfully submitted,

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